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Message Text

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 ACDA-12 CIAE-00 INR-10 L-03
NSAE-00 EB-08 NRC-05 OES-07 SOE-02 DODE-00 DOE-11
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H-01 DOEE-00 /108 W
----------064004 281714Z /47
O 281617Z FEB 78
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC IMMEDIATE 5167
INFO AMEMBASSY VIENNA
AMEMBASSY BONN
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY THE HAGUE
USMISSION GENEVA

C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 03898

ALSO FOR USEC

VIENNA FOR USIAEA

E.O. 11652: GDS
TAGS: ENRG, MNUC, TECH, BE
SUBJECT: US-EURATOM RENEGOTIATION: AMBASSADOR SMITH'S TALKS WITH SIMONET AND BELGIAN GOVERNMENT OFFICIALS

REF: BRUSSELS 1425 AND PREVIOUS

1. BEGIN SUMMARY. AS A CONSEQUENCE OF AMBASSADOR SMITH'S SUCCESSFUL "SOUL MASSAGE", FOREIGN MINISTER SIMONET HAS INSTRUCTED THE BELGIAN EC PERMREP TO ADOPT A CONFIDENTIAL

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"MORE FLEXIBLE" POSITION IN FAVOR OF AN INITIAL COMMISSION MANDATE TO ENTER INTO RENEGOTIATION OF THE US-EURATOM AGREEMENTS. THE BELGIANS ARE LIKELY TO INSIST HOWEVER THAT ELABORATION OF A PRECISE MANDATE ON SUB-STANTIVE QUESTIONS SUCH AS REPROCESSING AND ENRICHMENT AWAIT THE OUTCOME OF INFCE. END SUMMARY.

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2. AMBASSADOR GERARD SMITH, ACCOMPANIED BY AMBASSADOR HINTON AND EMBASSY ECONOMIC COUNSELOR, MET FEBRUARY 24 WITH SENIOR GOB OFFICIALS AND SUBSEQUENTLY FOREIGN MINISTER SIMONET TO DISCUSS PROBLEMS RELATED TO RE-NEGOTIATION OF THE US-EURATOM AGREEMENT. IN HALF-HOUR DISCUSSION WITH MFA OFFICIALS SCHOUMAKER, HERPELS AND OTHERS, AMBASSADOR SMITH SAID US LEGISLATION PROBABLY WILL BE SIGNED INTO LAW BY THE PRESIDENT DURING THE WEEK OF FEBRUARY 27-MARCH 3. AMBASSADOR SMITH ALSO GAVE SCHOU-MAKER TEXT OF KEY CLAUSE IN SENATE REPORT ON BILL WHICH RELIEVES GOB CONCERN THAT NEW LAW MIGHT IMPEDE TRANSFERS OF NUCLEAR MATERIAL WITHIN EURATOM. SMITH EXPLAINED THAT THIS REPORT CLEARLY STATES THAT PRIOR US APPROVAL WOULD NOT BE NEEDED FOR SUCH INTRA-COMMUNITY TRANSFERS AND, WHILE NOT PART OF THE LAW ITSELF, WOULD FORM PART OF THE LEGIS-LATIVE HISTORY IN EVENT AN INTERPRETATIVE PROBLEM AROSE IN THE FUTURE.

3. TURNING TO THE RELATIONSHIP BETWEEN INFCE AND US-EURATOM RENEGOTIATION, AMBASSADOR SMITH SAID THAT THERE WAS NO INCONSISTENCY IN ARRANGING A SATISFACTORY PHASING OR SEQUENCE OF THE TWO. GIVEN THE PROTRACTED NATURE OF DIS-CUSSIONS ON NUCLEAR ISSUES, HE THOUGHT IT UNLIKELY US-EURATOM RENEGOTIATION WOULD BE CONCLUDED BEFORE INFCE RAN ITS COURSE. AMBASSADOR SMITH NOTED THAT US LEGISLATION REFERRED TO "ENTRY" INTO NEGOTIATIONS AND SET NO DATE FOR CONFIDENTIAL

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THEIR CONCLUSION. AS LONG AS GOOD FAITH NEGOTIATIONS WERE IN PROGRESS, THERE SHOULD BE NO DIFFICULTY CONCERNING CONTINUED SUPPLY OF NUCLEAR MATERIAL. ONLY A NEGATIVE DECISION BY THE EC NOT TO AGREE TO RENEGOTIATE COULD CAUSE SUPPLY DIFFICULTIES. HINTON ADDED, WITH REFERENCE TO BELGIAN REMARK THAT COMMISSION WOULD NEED A MANDATE TO CON-CLUDE NEGOTIATION, THAT A COUNCIL MANDATE COULD BE DE-VELOPED SUBSEQUENT TO A DECISION TO RENEGOTIATE AND CON-CEIVABLY COULD BE ELABORATED IN STEPS AS HAS BEEN DONE IN THE MTN.

4. SCHOUMAKER EXPRESSED APPRECIATION FOR THE "GOOD NEWS" ABOUT INTRA-COMMUNITY TRANSFERS, BUT REPEATED GOB CONCERNS ABOUT BEING "RUSHED" INTO RENEGOTIATION AND DISCRIMINATION BETWEEN WEAPONS STATES AND NON-WEAPON STATES. ON THE FIRST POINT, AMBASSADOR SMITH REPLIED THAT US LEGISLATION STRENGTHENING SAFEGUARDS HAS BEEN PENDING FOR THREE YEARS; ON THE SECOND POINT, HE SAID IT WOULD BE DIFFICULT TO CONSTRUCT A SPECIAL ARRANGEMENT WITH EURATOM WITHOUT CAUSING OTHERS, NOTABLY JAPAN, TO FEEL THEY WERE BEING DISCRIMINATED AGAINST. SESSION ENDED BEFORE GOB OFFICIALS COULD AIR SOME SPECIFIC QUESTIONS. THESE WILL BE TRANS-

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MITTED TO US SHORTLY IN WRITING.

5. IN FOLLOW-ON DISCUSSION WITH FONMIN SIMONET, HE RE-
ITERATED THAT GOB WHOLEHEARTEDLY SUPPORTS NON-PROLIFERA-
TION POLICY OBJECTIVES BUT IS RATHER WORRIED ABOUT USG
INTENTIONS IN THAT THEY MIGHT ADVERSELY AFFECT BELGIAN
INTERESTS AND DISCRIMINATE AGAINST THE EC. AMBASSADOR
SMITH REPLIED THAT HE COULD NOT SAY WHETHER OR NOT UNDER
THE NEW LEGISLATION ALL GOB FEARS WOULD BE LAID TO REST,

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C O N F I D E N T I A L SECTION 02 OF 02 BRUSSELS 03898

ALSO FOR USEC, VIENNA FOR USIAEA

ALTHOUGH HE PERSONALLY BELIEVED RELATIONS WOULD IMPROVE
ONCE IT WAS FINALLY AGREED THAT US-EURATOM NEGOTIATIONS
COULD TAKE PLACE AND TALKS ACTUALLY BEGAN. SIMONET DID
NOT BELIEVE REACHING AGREEMENT WOULD BE EASY BUT, EXCEPT
FOR THE FRENCH, HE EXPRESSED SURPRISE WHEN TOLD THE
EURATOM MEMBER STATES SO FAR HAD NOT EVEN AGREED IN
PRINCIPLE TO TALK. CERTAINLY, HE VOLUNTEERED, THE
BELGIANS WOULD AGREE TO TALK.

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6. INFORMED THAT GOB ACCEPTANCE OF TALKS WAS IMPORTANT "GOOD NEWS" WHICH HAD NOT BEEN OUR UNDERSTANDING, SIMONET APPEARED TO HEDGE A BIT. HE OBSERVED THAT WHILE THE CONFIDENTIAL

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BELGIAN ATTITUDE WAS NOT TO OPPOSE TALKS, THE GOB HAD BEEN PUT OFF BY THE HARSH WAY IN WHICH THE USG HAD WANTED TO ENTER INTO NEGOTIATIONS EVEN BEFORE LEGISLATION WAS ENACTED, I.E., ON A "TAKE IT OR LEAVE IT" BASIS. SIMONET DECLARED THAT, EXCEPT FOR THE TWO CONDITIONS STATED (I.E., NO ADVERSE EFFECT ON BELGIAN INTERESTS, NO DISCRIMINATION AGAINST EC), GOB HAS NO OBJECTION TO OPENING OF NEGOTIATIONS AND THE BELGIAN EC PERMANENT REPRESENTATIVE WOULD BE SO INSTRUCTED. SMITH ASSURED SIMONET THAT THERE WAS NO INTENT TO ENTER INTO NEGOTIATIONS ON A "TAKE IT OR LEAVE IT" BASIS. RATHER, NEGOTIATIONS MIGHT CONTINUE FOR YEARS AND WE SIMPLY WANTED TO MAKE SURE THERE WOULD BE NO DENIAL OF EXPORT SUPPLY LICENSES IN THE INTERIM.

7. ASKED ABOUT HIS UNDERSTANDING OF THE STATE OF PLAY WITHIN THE EC, AMBASSADOR HINTON GAVE A BRIEF RESUME OF RECENT DEVELOPMENTS, EMPHASIZING THE COMMISSION'S PROPOSAL TO THE COUNCIL OF MINISTERS THAT IT BE AUTHORIZED TO RENEGOTIATE WITH THE US WITHOUT PREJUDICE TO THE EC'S SUBSTANTIVE POSITION PENDING THE OUTCOME OF INFCE. SIMONET SAID HE HAD REALLY THOUGHT THE EC WAS BEING ASKED TO GIVE RAPID AGREEMENT TO SUBSTANTIVE CHANGES BEFORE INFCE WAS COMPLETED. HE ADDED THAT HE AND OTHER EUROPEANS HAD BEEN UNCERTAIN (READ DISTRUSTFUL) OF USG INTENTIONS AND THE APPARENT THREAT OF NEGOTIATING UNDER A DEADLINE. AMBASSADOR SMITH REASSURED SIMONET THAT NO THREAT WAS INTENDED AND A NEGOTIATION IN GOOD FAITH WAS WHAT THE USG WAS SEEKING.

8. COMMENT: AMBASSADOR SMITH'S VISIT WAS AN UNQUALIFIED SUCCESS IN GIVING THE BELGIANS THE HIGH LEVEL "SOUL MASSAGE" NEEDED TO BRING ABOUT A REVERSAL OF THEIR CONFIDENTIAL

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NEGATIVE POSTURE ON RENEGOTIATION OF THE US-EURATOM AGREEMENT. IN THIS REGARD THE SENATE LANGUAGE FAVORABLE TO INTRA-EC TRANSFERS OF NUCLEAR MATERIAL ALSO WAS OF HELP. CONFIRMATION OF THE BELGIAN TURNABOUT HAS BEEN GIVEN BY MFA DIRECTOR OF NUCLEAR AFFAIRS HERPELS WHO ADVISES THAT THE BELGIAN EC PERMREP WAS INSTRUCTED ON FEBRUARY 27

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TO SUPPORT A "MORE FLEXIBLE" EC POSITION. WE GATHER
THIS MEANS SUPPORT FOR A COMMISSION MANDATE TO BEGIN RE-
NEGOTIATION SUBJECT TO FUTURE ADOPTION OF A MORE
SPECIFIC MANDATE ON SUBSTANTIVE QUESTIONS SUCH AS RE-
PROCESSING AND ENRICHMENT PENDING THE OUTCOME OF INFCE.
CHAMBERS

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